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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,869	11/18/2003	Hideki Akashika	245423US6	3131
22850	7590	11/14/2008	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.			STRANGE, AARON N	
1940 DUKE STREET			ART UNIT	PAPER NUMBER
ALEXANDRIA, VA 22314			2453	
NOTIFICATION DATE		DELIVERY MODE		
11/14/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/714,869	<b>Applicant(s)</b> AKASHIKA ET AL.
	<b>Examiner</b> AARON STRANGE	<b>Art Unit</b> 2453

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 07 August 2008.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-4,6-13 and 15-18 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-4,6-13 and 15-18 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/136/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

**DETAILED ACTION**

1. The Examiner would like to note that the present application has been reassigned to a new Examiner.
2. In the interest of expedited prosecution, the Examiner would like to recommend conducting an interview prior to filing a response to the present Office action. The Examiner feels that an interview would help foster a mutual understanding of the respective positions of Applicant and the Examiner, and assist in the identification of allowable subject matter and/or issues for appeal. If Applicant agrees that an interview would be beneficial, he/she is encouraged to contact the Examiner to schedule one.

***Response to Arguments***

3. Applicant's arguments with respect to claims 1-4, 6-13 and 15-18 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-4, 6-13 and 15-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject

matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

6. With regard to claim 1, the limitation "a packet including ... a script" (ll. 8-10) is not described in the specification. In fact, the specification states that the script is transmitted "together with" the control packet rather than inside the control packet (¶310). Independent claims 2, 3, 12, 13, 15, 17 and 18 contain a substantially identical limitation and are rejected under the same rationale.

7. All claims not individually rejected are rejected by virtue of their dependency from the above claims.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1-4, 6-13 and 15-18 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

10. With regard to claim 1, the limitation "an other process in the packet" (line 23) is unclear. It is unclear how the packet may contain a "process". Independent claims 2, 3,

12, 13, 15, 17 and 18 contain a substantially identical limitation and are rejected under the same rationale.

11. All claims not individually rejected are rejected by virtue of their dependency from the above claims.

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 1-4, 6, 8, 11-13 and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuroshima et al. (US 6,782,426) in view of Eden et al. (US 2005/0012960).

14. With regard to claim 3, Kuroshima discloses an information processing apparatus for controlling a device connected with an information terminal with a particular timing via the information terminal connected via a network with the information processing apparatus, the information processing apparatus comprising:

establishment means for establishing communication performed via the network between the information processing apparatus and the information terminal, in response

to a request issued by the information terminal (commands may be sent to devices via the network and server)(col. 15, ll. 21-27); and

transmission means for transmitting a first packet including a command (image input command)(col. 15, ll. 26-27) for controlling the device to the information terminal from the information processing apparatus after the communication with the information terminal is established by the establishment means (command is sent to via the network)(col. 15, ll. 19-40).

Kuroshima fails to specifically disclose a) including a script with the command that indicated processes to be partially performed at the information terminal, b) that the command includes information indicating whether, when the information terminal fails to perform a process in order to complete the command, a process should be continued in accordance with a following command or c) that a response packet including responses from the device to the information terminal is transmitted to the information processing apparatus.

Eden discloses a similar system for executing processes during creation of a document using a device such as a scanner (¶20). Eden teaches including a script with a command (command to scan a document), so that the scanning process can be dynamically adjusted in response to the content of the document being scanned (¶20-2 and 27).

Eden also teaches including information indicating whether a process should be continued in accordance with a following command in the event a first command fails, since the system permits multiple operations to be performed in various combination,

including blocking print/scan jobs (failure of the command) and notifying an administrator or logging the failed print/scan (¶33-41). Since the commands may be performed in "any combination", some mechanism must be present to indicate whether and how to proceed after a print operation has been blocked.

Eden also teaches providing a response packet that includes responses from the device to the information terminal (i.e., "send report" command) that includes responses (scan results, copy of the job, etc) from the device to the information processing apparatus. The features taught by Eden would have been an advantageous addition to the system disclosed by Kuroshima since it would have allowed users to specify that different operations be performed based on the content of the document being scanned by the TWAIN devices, providing the user with a large amount of flexibility in handling the documents.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to permit inclusion of a script with the commands taught by Kuroshima, since it would have allowed multiple operations to be performed in response to the content of the document being scanned, giving the user a much more powerful document processing system.

15. In regards to claim 4, Kuroshima et al. discloses, receiving means for receiving, from the information terminal, a second packet including a response to the command transmitted from the transmission means (Col. 16 line(s) 17-23).

16. In regards to claim 6, Kuroshima et al. disclose, wherein the first packet transmitted by the transmission means includes a plurality of commands belonging to a same protocol (Col. 15 line(s) 38-40).

17. In regards to claim 8, Kuroshima et al. discloses, wherein the first packet transmitted by the transmission means includes identification information identifying the device to be controlled in accordance with the command (Col. 13 line(s) 53-65).

18. In regards to claim 11, Kuroshima et al. discloses, command means for commanding the information terminal to start transmitting predetermined information in the communication established by the establishment means (Col. 15 line(s) 24-27).

19. Claims 1, 2, 13, 13 and 15-18 are rejected under the same rationale as claims 3, 4, 6, 8 and 11, since they recite substantially identical subject matter. Any differences between the claims do not result in patentably distinct claims and all of the limitations are taught by the above cited art.

20. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kuroshima et al. (US 6,782,426) in view of Eden et al. (US 2005/0012960) further in view of Hickman et al. (US 7,130,888).

21. In regards to claim 7, Kuroshima and Eden fail to specifically disclose that the transmission means transmits, together with the first packet, a simple program for causing the information terminal to determine which process should be performed by the device.

In the same field of endeavor Hickman et al. teach controlling a computer over a network providing a simple program with the first packet for determining which process should be performed by the device (Col. 12 line(s) 57-67 – Col. 13 line(s) 1-7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kuroshima and Eden with Hickman's teaching as discussed above to allow for the capability of the system in which the program is installed/ran on the ability to be monitored/controlled or to monitor or control a remote device.

22. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuroshima et al. (US 6,782,426) in view of Eden et al. (US 2005/0012960) further in view of Tanno (US 6,374,298).

23. In regards to claim 9, Kuroshima et al. teaches that the transmission means transmits the first packet using HTTP as a communication protocol (Col. 15 line(s) 39-40). However, Kuroshima and Eden fails to specifically disclose that the communication link includes communicating via a firewall.

In the same field of endeavor Tanno teaches a remote operation system that sends remote devices (units) packets (services) via network through a firewall (abstract line(s) 1-4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kuroshima and Eden with Tanno's teaching as discussed above to allow for the capability of communicating via a firewall to devices to implement extensive security measures to prevent the intracompany network from hackers. Likewise, it is well known in the art to use HTTP as a protocol to communicate through the firewalls.

24. In regards to claim 10 Kuroshima et al. discloses, wherein the transmission means maintains the communication link using HTTP established by the establishment means for a period during which a plurality of first packets are transmitted (Col. 15 line(s) 38-39).

#### ***Conclusion***

25. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AARON STRANGE whose telephone number is (571)272-3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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